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**REMARKS**

Prior to this Amendment "B", claims 1-6, 10 and 12-15 were pending in the present application. In this Amendment "B", Applicant has canceled claims 1-6, 10 and 12-15 and has added new claims 16-29. Reconsideration of the application in its current format is hereby requested.

An associate power of attorney for the undersigned attorney is enclosed herewith.

In the Office action, the Examiner rejected claims 1-6, 10 and 12-15 under 35 U.S.C. §112, second paragraph as being indefinite. In response, Applicant has canceled claims 1-6, 10 and 12-15 and added new claims 16-29. Applicant submits that new claims 16-29 better meet the formal requirements of U.S. practice, including the requirements of 35 U.S.C. §112, second paragraph and notice to that effect is hereby requested.

The Examiner also rejected claims 1-6, 10 and 12-15 based on prior art. Although Applicant has canceled claims 1-6, 10 and 12-15, Applicant will address the rejections with regard to new claims 16-29.

The Examiner rejected claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,876,124 to Lin et al.

The Lin et al. patent discloses four spring assemblies (62, 64) supporting a micro-mirror 56 that is moved by driving electrodes. Each spring assembly comprises a plurality of springs, each of which is linear. As shown in Fig.3, the springs may be arranged in a cross-shaped configuration. As set forth in column 3, lines 30-33), "the spring assemblies are compliant in bending and torsion and thus can operate in a tensile mode while the driving electrodes are energized". Since the springs in the Lin et al. patent are linear and operate by resiliently bending and twisting, it is clear that the Lin et al. patent fails to show or suggest a plurality of springs, wherein *"each of said springs having an elongation axis and comprising a connecting leg connected to a plurality of turns, wherein in each of said springs, said connecting leg does not extend in the same direction as said elongation axis"*, as is presently recited in new

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independent claim 16. For at least this reason, the Lin et al. patent fails to show or suggest new independent claim 16 and, thus, new dependent claims 17-29.

The Examiner also rejected claims 1, 3, 5, 6 and 10-13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,739,179 to Vogel et al. in view of the Lin et al. patent.

The Vogel et al. patent discloses a measuring device 1 having a dumbbell-shaped sensor 2 held by a pair of resilient holding elements or springs 4 disposed on opposing sides of the sensor 2. Each spring 4 has connecting legs that extend in the *same direction* as an elongation axis of the spring 4.

Initially, Applicant notes that there is no motivation to combine the Vogel et al. patent and the Lin et al. patent as the Examiner has done. In the Office action, the Examiner states that the motivation is "*to increase the sensitivity of the springs and the stability of the sample body during rotation*". This motivation, however, is not found in either the Vogel et al. patent or the Lin et al. patent. Neither the Vogel et al. patent, nor the Lin et al. patent disclose stability problems when using two springs. In fact, the Lin et al. patent discloses that one of the drawbacks of using two springs in a micro-mirror system is that the two springs only allow a micro-mirror to "*rotate along only one pre-determined axis, thereby greatly limiting the directions that one micro-mirror can reflect the electromagnetic radiation into*" (see column 1, lines 12-35). Thus, the object of the Lin et al. patent is to provide a micro-mirror with more than one rotational degree of freedom (see column 1, lines 46-50). Since the operation of the measurement device of the Vogel et al. patent relies on the sensor rotating about only one predetermined axis, the Lin et al. patent provides no motivation whatsoever to use four springs. In fact, the Lin et al. teaches away from using four springs since the purpose of using the four springs in the Lin et al. patent is to provide more than one rotational degree of freedom.

For at least the foregoing reason, the motivation to combine the Vogel et al. patent and the Lin et al. patent enunciated by the Examiner is not found in the Vogel et al. patent or the Lin et al. patent. The motivation is only found in the applicant's

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disclosure. It is established case law, however, that the motivation must be from the prior art and not the applicant's disclosure. As the Federal Circuit has stated (with emphasis added): "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure...." *In re Dow Chemical Co.*, 837 F.2d 469, 473, 5 USPQ 2d 1529, 1531 (Fed. Cir. 1988).

Even if the Vogel et al. patent and the Lin et al. patent are combined, they would fail to show all of the elements of the claimed invention, as is required to establish a prima facie case of obviousness. As set forth above, in the Vogel et al. patent, each spring 4 has connecting legs that extend in the *same direction* as an elongation axis of the spring 4. Thus, the Vogel et al. patent fails to show or suggest a plurality of springs wherein "each of said springs having an elongation axis and comprising a connecting leg connected to a plurality of turns, wherein in each of said springs, *said connecting leg does not extend in the same direction as said elongation axis*", as is presently recited in new independent claim 16. The Lin et al. fails to cure this deficiency, as was discussed above with regard to the Lin et al. patent. For at least this reason, Applicant submits that the Vogel et al. patent and the Lin et al. patent, individually and in combination fails to show or suggest new independent claim 16 and, thus, new dependent claims 17-29.

The Examiner also rejected claims 2, 4, 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over the Vogel et al. patent in view of the Lin et al. patent as applied to claim 1 above, and further in view of U.S. Patent No. 5,932,794 to Fabinski et al. The Fabinski et al. patent discloses a measurement device having a dumbbell-shaped element 25 held by a single linear torsion strip 8. Since the Fabinski et al. patent only discloses a single linear torsion strip, it is clear that the Fabinski et al. patent fails to cure the deficiencies of the Vogel et al. patent and the Lin et al. patent discussed above. Accordingly, Applicant submits that the Vogel et al. patent, the Lin et al. patent and the Fabinski et al. patent individually and in combination fails to show or suggest new independent claim 16 and, thus, new dependent claims 17-29.

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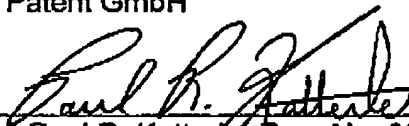
Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 050877.

Respectfully submitted,

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